

[Counsel Listed on Signature Page]

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

In re JDS UNIPHASE CORPORATION  
SECURITIES LITIGATION

This Document Relates to: All Actions

Master File No. C-02-1486 CW

**STIPULATION AND [PROPOSED]  
ORDER REGARDING EXPERT  
DISCOVERY**

1 WHEREAS, the parties intend to exchange expert reports prior to trial and to conduct  
2 expert discovery,

3 WHEREAS, the parties wish to agree in advance to certain limitations on expert discovery  
4 to avoid the unnecessary expenditure of resources,

5 IT IS HEREBY STIPULATED AND AGREED by the parties, through their counsel of  
6 record, as follows:

7 1. This stipulation concerns discovery related to testifying experts. The parties agree  
8 that there shall be no disclosures with respect to consulting experts.

9 2. The parties shall not be required to preserve or produce draft expert reports or any  
10 notes or communications related thereto, including draft studies and draft work papers, unless the  
11 expert is relying upon facts or data contained in any such documents in forming an opinion in this  
12 matter and those facts or data are not otherwise produced.

13 3. The parties shall not be required to preserve or produce, nor shall the expert be  
14 required to testify about, any correspondence or communications between any expert and the  
15 attorneys for the party offering the testimony of that expert, unless the expert is relying on facts or  
16 data contained in such correspondence or communications in forming an opinion in this matter  
17 and those facts or data are not otherwise produced.

18 4. The parties shall not be required to preserve or produce any correspondence or  
19 communications among experts retained by the same party, including testifying and consulting  
20 experts, unless the expert is relying on facts or data contained in such correspondence or  
21 communications in forming an opinion in this matter and those facts or data are not otherwise  
22 produced.

23 5. To the extent that a party's expert witness report cites, or otherwise relies on,  
24 electronic documents, that party shall produce those documents in electronic form.

25 6. The parties are not required to serve subpoenas for deposition on any expert.  
26 Instead, the party retaining the expert shall make the expert available for deposition, at the  
27 mutually agreed upon time and place.  
28

7. Except as provided herein, the parties shall make all other expert disclosures required by the Federal Rules. Any supplemental production must be completed at least one week prior to the expert's deposition.

Dated: October 16, 2006

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Dated: October 16, 2006

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: October 23, 2006

HONORABLE Elizabeth D. Laporte  
United States District Judge

